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Attorneys for Pacific Bell Telephone Company,  
*erroneously sued as* AT&T Services, Inc.

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

VICTOR GAVIN, an individual;  
  
Plaintiff,

v.

AT&T SERVICES, Inc., an unknown  
business entity; DIANE MATAYOSHI, an  
individual; and DOES 1 through 100,  
inclusive;  
  
Defendants.

Case No. 2:20-cv-02246-JAM-AC (Assigned  
to Hon. John A. Mendez; Magistrate Judge  
Allison Claire)

**AMENDED STIPULATED REQUEST  
FOR ORDER MODIFYING PRETRIAL  
SCHEDULING ORDER; ORDER**

Complaint Filed: October 2, 2020  
Removal Date: November 9, 2020  
Trial Date: April 10, 2023

1 Plaintiff VICTOR GAVIN, and Defendant PACIFIC BELL TELEPHONE COMPANY,  
2 erroneously sued as AT&T Services, Inc., by and through their counsel, hereby respectfully  
3 move for an Order modifying the Pretrial Scheduling Order (ECF 12) to extend the expert and  
4 fact discovery and dispositive motion filing and service deadlines:

5 WHEREAS, on March 10, 2021 the Court issued a Pretrial Scheduling Order (ECF 12);

6 WHEREAS, the Court's Pretrial Scheduling Order requires the parties to complete  
7 discovery by September 30, 2022;

8 WHEREAS, Plaintiff's counsel and Plaintiff's co-counsels in other matters have been  
9 riddled with illnesses, including COVID-19, that have required extending the deadlines in those  
10 matters and therefore have sidelined Plaintiff's counsel's ability to attend to the discovery in  
11 this matter. Kevin Schwinn and Mythily Sivarajah both recently had COVID-19, which  
12 subsequently required continuances on several other matters. Currently, Elizabeth Peck is  
13 avoiding close contact with others as a result of her exposure to a household member having  
14 COVID-19;

15 WHEREAS, Plaintiff's counsel Elizabeth Peck and Mythily Sivarajah have conflicts in  
16 the next month including a trial in another matter slated to begin on August 8, 2022;

17 WHEREAS, the parties have commenced potential settlement resolution discussions;

18 WHEREAS, there has not been any prior requests to change the Pretrial Scheduling  
19 Order in this matter, and the parties do not anticipate the need for any change in any other  
20 scheduling; and,

21 WHEREAS, the parties stipulate that there is good cause to extend the expert and fact  
22 discovery, dispositive motion filing and service deadlines as well as the dispositive motion,  
23 pretrial conference and trial dates set forth in the Court's existing scheduling order, and  
24 corresponding briefing schedule.

25 NOW THEREFORE, the parties hereby agree and respectfully request that the Court  
26 order as follows:

27 The deadline for expert witness disclosures to be completed should be extended from  
28 July 29, 2022 to September 30, 2022.

1 The deadline for supplemental and rebuttal expert witness disclosures to be completed  
2 should be extended from August 12, 2022 to October 14, 2022.

3 The deadline to file a brief joint mid-litigation statement should be extended from  
4 September 16, 2022 to no sooner than November 16, 2022.

5 The deadline for fact discovery to be completed should be extended from September 30,  
6 2022 to no sooner than November 30, 2022.

7 The deadline to file and serve dispositive motions should be extended from November  
8 11, 2022 to no sooner than December 9, 2022.

9 The hearing for dispositive motions should be continued from January 10, 2023 to no  
10 sooner than February 14, 2023.

11 The final pretrial conference should be continued from February 24, 2023 to no sooner  
12 than March 31, 2023.

13 The trial date should be continued from April 10, 2023 to no sooner than May 15, 2023.  
14

15 Date: July 28, 2022

PECK-LAW, *Employment & Civil Rights*

By: /s/ Mythily Sivarajah

Elizabeth M. Peck

Kevin Schwin, *Of-Counsel*

Mythily Sivarajah

Co-Counsel for Plaintiff

Victor Gavin

20 Date: July 27, 2022

M LAW ATTORNEYS, APC

By: /s/ Narak Mirzaie (as authorized on 7/27/2022)

Narak Mirzaie

Co-Counsel for Plaintiff

Victor Gavin

23 Date: July 28, 2022

SANCHEZ & AMADOR, LLP

By: /s/ Patricia Maitano (as authorized on 7/28/2022)

Jamie Rudman

Patricia Arias Musitano

Attorneys for Defendant

Pacific Bell Telephone Company,

*erroneously sued as AT&T Services, Inc .*

**ORDER**

Pursuant to stipulation, and good cause appearing, IT IS HEREBY ORDERED THAT:

The deadline for expert witness disclosures to be completed is extended from July 29, 2022 to September 30, 2022.

The deadline for supplemental and rebuttal expert witness disclosures to be completed is extended from August 12, 2022 to October 14, 2022.

The deadline to file a brief joint mid-litigation statement is extended from September 16, 2022 to November 16, 2022.

The deadline for fact discovery to be completed is extended from September 30, 2022 to November 30, 2022.

The deadline to file and serve dispositive motions is extended from November 11, 2022 to December 9, 2022.

The hearing for dispositive motions should be continued from January 10, 2023 to February 14, 2023 at 1:30 p.m.

The final pretrial conference should be continued from February 24, 2023 to March 31, 2023 at 11:00 a.m.

The trial date should be continued from April 10, 2023 to May 15, 2023 at 9:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: July 28, 2022

/s/ John A. Mendez

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THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE